



The Commonwealth of Massachusetts
Office of
Campaign & Political Finance

AO-26

One Ashburton Place, Boston 02108
727-3352

Dennis J. Duffin
Director

December 14, 1982

Mr. Nicholas A. Rizzo, Jr.
 Three Main Street
 P.O. Box 619
 Andover, MA 01810

Dear Mr. Rizzo:

Thank you for your letter of November 1, 1982 to our Legal Counsel in which you request the opinion of this office relative to a number of questions.

Included in your questions are requests for opinions as to your permissible conduct concerning political committees of federal candidates. I suggest that relative to your questions regarding those candidates and political committees, you consult the Federal Election Commission. I limit my answers to your questions to political committees and candidates organized for the purpose of state or local elections.

1. May I solicit campaign donations for a political committee of a state-wide, State Senate, Massachusetts House, County or Local candidate?

As an appointed member of the Massachusetts Convention Center Authority, you have explained that you receive no compensation for that position. While c. 55, Section 13 does prohibit persons employed for compensation by the commonwealth or any county, city or town from directly or indirectly soliciting contributions, or anything of value for any political purpose whatsoever, that same prohibition does not apply to uncompensated positions. However, notwithstanding your compensation status, you are nevertheless a person in the service of the Commonwealth, and certain prohibitions contained in chapter 55 regarding solicitation clearly apply to you. Section 15 prohibits you from giving or delivering any donation or anything of value to any other person in the public service to be applied to the promotion of any political purpose whatsoever. In accordance with Opinion of the Attorney General, October 27, 1964, any donations you receive on behalf of any candidate currently in the public service may not be given directly to the candidate, but rather must go to the political committee organized on behalf of that candidate. Section 16 provides that you may not be compelled to engage in such political service.

Furthermore, as an appointed public servant you may have authority over certain other officers or employees. Section 17 of c. 55, states, "No officer or employee of the commonwealth or of any county, city or town shall discharge, promote or degrade an officer or employee, or change his official rank or compensation, or promise or threaten to do so, for giving, withholding or neglecting

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to make a contribution of money or other valuable thing for a political purpose."

2. May I serve as an officer or member of a committee that has as its exclusive function the election or re-election effort of either a state-wide, State Senate, Massachusetts House, county or local candidate?

Chapter 55 does not prohibit such activity. However, such activity is subject to the restrictions specified in this letter.

3. May I solicit funds for a political party?

Such funds may be solicited in accordance with the provisions of Chapter 55 as outlined in the above answer to Question 1.

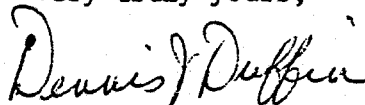
4. May I donate personal funds to any of the above?

You may donate personal funds, to any of the above political committees. However, you may not donate directly to a candidate who is currently in the public service, but rather such donations must go to the political committee organized on behalf of the candidate. In addition, your individual contributions are subject to the following limitations: \$1,000 in a calendar year to non-elected political committee organized on behalf of a candidate; \$1,000 in a calendar year for the benefit of political committees organized on behalf of one political party; \$1,000 in a calendar year to a multi-candidate committee. You cannot be compelled to make such contributions.

In rendering this opinion, we have relied upon the facts as you have stated them, and have not conducted any independent inquiry.

If we can be of any further assistance, please do not hesitate to contact us.

Very truly yours,


Dennis J. Duffin
Director

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